

Case: 17CH1:18-cv-01719 Document #: 65 Filed: 10/09/2020 Page 1 of 3

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

KATHRYN P. WITTNER

PLAINTIFF

V.

NO. 3:19-CV-3-DMB-JMV

RUTH P. SCHWARTZ, SIMON SCHWARTZ,  
ESTATE OF THELMA R. PAILET,  
DECEASED, & JOHN DOES 1-8

DEFENDANTS

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**IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI**

IN THE MATTER OF THE ESTATE  
OF THELMA R. PAILET, DECEASED

CAUSE NO. 18-CV-1719

RUTH SCHWARTZ

PETITIONER

**AGREED ORDER**

There are two related actions between Kathryn P. Wittner ("Plaintiff"), and Ruth P. Schwartz, Simon Schwartz, and the Estate of Thelma Paillet ("Defendants") (together, the Plaintiffs and Defendants hereinafter the "Parties" or, singularly, a "Party"): 3:19-CV-3-DMB-JMV in the Northern District of Mississippi, Oxford Division ("Federal Court Action") and Desoto County Chancery Court action no. 17CH1:18-cv-01719 ("State Court Action"). The parties have had extensive jurisdictional disputes between the two cases.

The two actions may require extensive discovery, including depositions, subpoenas, expert reports, confidentiality agreements, document productions, ESI, and privilege logs. While remaining cognizant of the jurisdictional concerns, much of the discovery will be duplicative between the two cases as they arise from similar facts. Being fully advised in the premises, and

[D1440921]

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**FILED**

**OCT 09 2020**

MISTY HEFFNER, CLERK

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Case: 17CH1:18-cv-01719 Document #: 65 Filed: 10/09/2020 Page 2 of 3

being agreed upon by the parties, the Courts in the two above styled actions hereby find that the same is well-taken and should be granted.

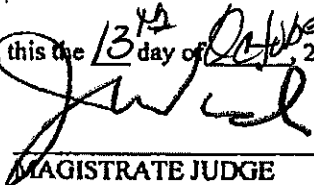
IT IS THEREFORE ORDERED AND ADJUDGED as follows:

1. The parties shall take reasonable measures to limit duplicative discovery. Depositions may address both cases without the need for two separate depositions.

2. During depositions, objections are waived except those objections as to the form of the question and privilege.

3. This Order in no way waives or limits the jurisdictional concerns that have been, and may continue to be raised by the parties, including but not limited to, the probate exception. The parties reserve the right to object to the relevance of information and evidence elicited during deposition testimony at the trial of these matters.

SO ORDERED AND ADJUDGED, this the 13<sup>th</sup> day of October, 2020.

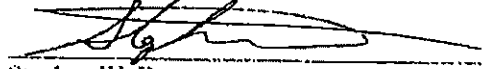
  
MAGISTRATE JUDGE

SO ORDERED AND ADJUDGED, this the 9<sup>th</sup> day of Oct., 2020.

  
CHANCELLOR

Case: 17CH1:18-cv-01719 Document #: 65 Filed: 10/09/2020 Page 3 of 3

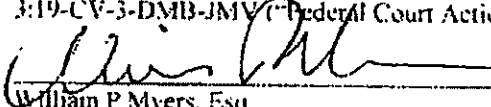
**AGREED AS TO FORM:**



Stephen W. Dummer  
Dummer Law Group, PLLC  
Michael S. Carr  
Carr Law Firm, PLLC  
Counsel for Kathryn P. Wittner in  
3:19-CV-3-DMB-JMV ("Federal Court Action") &  
17CH1:18-cv-01719 ("State Court Action").



Wilton V. Byars, III, Esq.  
Julia B. Jimenez, Esq.  
Daniel Coker Horton & Bell, P.A.  
Counsel for Ruth P. Schwartz, Simon Schwartz,  
And the Estate of Thelma R. Paillet in  
3:19-CV-3-DMB-JMV ("Federal Court Action")



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Counsel for the Estate of Thelma R. Paillet in  
17CH1:18-cv-01719 ("State Court Action")